## UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

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) C.A. No. 1:18-cv-11021-FDS
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## ORDER ENTERING JUDGMENT UNDER SENTENCE FOUR OF 42 U.S.C. § 405(g) WITH VOLUNTARY REVERSAL AND REMAND TO THE COMMISSIONER OF SOCIAL SECURITY

The Court hereby allows Defendant's Assented-to Motion for Entry of Judgment Under Sentence Four of 42 U.S.C. § 405(g) with Reversal and Remand of the Case to the Defendant. This action is hereby reversed and remanded to the Commissioner of Social Security for further administrative proceedings. The Appeals Council will direct the ALJ as follows:

The Administrative Law Judge will obtain an updated form SSA-632-BK, "Request for Waiver of Overpayment Recovery or Change in Repayment Rate," from the claimant, as well as documentation of the claimant's reported household income, expenses and assets. She will afford the claimant an opportunity for a hearing and will consider the entire record, including the new evidence, and make findings with accompanying rationale, regarding whether the claimant was without fault in causing the overpayment; whether recovery would defeat the purpose of Title II of the Social Security Act; whether recovery would be against equity and good conscience; and whether overpayment can be waived (20 C.F.R. 404.506¬-509, 404.510a, 404.512).

SO ORDERED this <u>5th</u> day of _	November , 2018.
	/s/ F. Dennis Saylor, IV
	F. DENNIS SAYLOR, IV
	UNITED STATES DISTRICT COURT